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7 *Counsel for Defendants*

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES ex rel. CMB
11 EXPORT, LLC, a Texas limited
liability company,

12 Plaintiff,

13 vs.

14 TONOPAH SOLAR ENERGY, LLC, a
15 Nevada limited liability company,
COBRA ENERGY INVESTMENT,
LLC, a Delaware limited liability
company, COBRA ENERGY
16 INVESTMENT FINANCE, INC., a
Delaware corporation, COBRA
17 INDUSTRIAL SERVICES, INC., a
Delaware corporation, COBRA
18 THERMOSOLAR PLANTS, INC, a
Nevada corporation, COBRA
19 INSTALACIONES Y SERVICIOS
S.A., a Spanish corporation, ACS
20 SERVICIOS COMUNICACIONES Y
ENERGIA, S.L., a Spanish corporation,
COBRA CONCESIONES, S.L., and
21 DOES 1 through 50, inclusive,

22 Defendants.

23 Case No. 2:20-cv-00196-JCM-MDC

24 **STIPULATION TO ACCEPT**
SERVICE AND EXTEND TIME
FOR DEFENDANTS TO
RESPOND TO SECOND
AMENDED COMPLAINT

25 **(First Request)**

1 **WHEREAS**, CMB Export LLC (“Plaintiff”) filed its initial complaint in this
2 action on January 29, 2020 (*See ECF No. 1*);

3 **WHEREAS**, Plaintiff filed a First Amended Complaint on September 9, 2020
4 (*See ECF No. 9*);

5 **WHEREAS**, the United States of America filed a Declination of Intervention
6 on June 1, 2023 (*See ECF No. 24*);

7 **WHEREAS**, on January 4, 2024, the United States of America served on
8 Plaintiff the Court’s order on the United States of America’s Declination of
9 Intervention (*See ECF No. 27*);

10 **WHEREAS**, the Court granted the United States’ motion to unseal the case on
11 January 24, 2024 (*See ECF No. 30*);

12 **WHEREAS**, on April 5, 2024, the Court held a status conference and granted
13 Plaintiff leave to file a Second Amended Complaint within 15 days of the status
14 conference;

15 **WHEREAS**, Plaintiff filed its Second Amended Complaint on April 19, 2024
16 against Defendants Tonopah Solar Energy, LLC, Cobra Energy Investment, LLC,
17 Cobra Energy Investment Finance, Inc., Cobra Industrial Services, Inc., Cobra
18 Thermosolar Plants, Inc., Cobra Instalaciones y Servicios S.A., ACS Servicios
19 Comunicaciones y Energia, S.L., and Cobra Concesiones, S.L. (collectively,
20 “Defendants”) (*See ECF No. 39*);

21 **WHEREAS**, on May 24, 2024, Plaintiff served the Second Amended
22 Complaint on Defendants Tonopah Solar Energy, LLC, Cobra Energy Investment,
23 LLC, Cobra Energy Investment Finance, Inc., Cobra Industrial Services, Inc., and
24 Cobra Thermosolar Plants, Inc. (*See ECF Nos. 50–54*);

25 **WHEREAS**, to avoid the time, burden and expense for Plaintiff to serve
26 Defendants that are incorporated and headquartered outside of the United States, and
27 in exchange for an extension of time for all Defendants to respond to the Second

1 Amended Complaint, Defendants ACS Servicios Comunicaciones y Energia, S.L.,
2 Cobra Concesiones, S.L., and Cobra Instalaciones y Servicios S.A. have agreed to
3 accept service of the Second Amended Complaint and waive objections to the
4 sufficiency of service, without waiver of defenses of personal jurisdiction, venue, or
5 any other defense which may be asserted against the Second Amended Complaint;

6 **IT IS HEREBY STIPULATED AND AGREED**, by and between the
7 undersigned counsel for Plaintiff and Defendants that:

- 8 • The current deadline for the Defendants who have been served to file an answer
9 or motion in response to the Second Amended Complaint—June 14, 2024—is
10 vacated;
- 11 • All Defendants will file an answer or motion in response to the Second
12 Amended Complaint no later than November 8, 2024;
- 13 • Defendants agree to waive any challenge as to the sufficiency of Plaintiffs'
14 service of the summons and complaint. This waiver as to the sufficiency of
15 service shall not be construed to extend to any other potential defense or
16 objection, including but not limited to objections to personal jurisdiction or to
17 venue. All other defenses are expressly preserved and may be asserted by any
18 defendant in either its forthcoming answer or motion.

19 This is the Parties' first request for an extension of time to respond to the
20 Second Amended Complaint and is made before the expiration of any deadline to
21 answer or otherwise respond to the Second Amended Complaint by any Defendant.
22 The requested extension is made in good faith and is not for purposes of delay.

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1 DATED: June 12, 2024.

2 LEWIS BRISBOIS BISGAARD & SMITH LLP

3 By: /s/ John S. Poulos

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5 Nevada Bar No. 15085
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22 *Counsel for Defendants*

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24 IT IS SO ORDERED,

25
26 Hon. Maximiliano D. Cuvillier III
United States Magistrate Judge
27 Dated: 6/18/2024